IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

PLAINTIFF,

V.

THE CITY OF ERIE, PENNSYLVANIA,

DEFENDANT.

CIVIL ACTION No. 04-4

JUDGE MCLAUGHLIN

OBJECTION TO THE ENTRY OF THE CONSENT DECREE

I am objecting to the terms of settlement of this case included in the Consent Decree
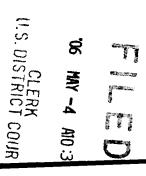agreed to by the United States and the City of Erie.

Name: Daniel Spizarny

Social Security Number: 179-54-1261

Other name(s) used: _____

Address: 5088 Ellington Dr.
            Erie PA 16506

Telephone: 870-1168

Basis of my objection: My objection is to application of retroactive seniority to
claimants that will be hired under this Consent Decree.   The application of
retroactive seniority for purposes of state civil service will violate the civil – see cont.

Are you requesting the opportunity to state your objection in person at the Fairness Hearing?

[ ] Yes   [X] No

YOU MAY USE ADDITIONAL PAGES TO EXPLAIN THE BASIS OF YOUR OBJECTION
IF NECESSARY. **YOU MUST SEND ONE COPY OF YOUR OBJECTION TO THE
CLERK OF THE COURT, ONE COPY TO THE DEPARTMENT OF JUSTICE AND
ONE COPY TO THE CITY AT THE ADDRESSES PROVIDED IN THE
INSTRUCTIONS.**

FILED
'06 MAY -4 A10:3
CLERK U.S. DISTRICT COURT

Page # 2 of Basis of my objection

service provisions of state statutes.   Existing members of the police department
could face furlough from their position in order to make room for a claimant.
Such action would also constitute a violation of equal protection under the
United States and Pennsylvania Constitutions by subordinating my rights for
those of a claimant even though I am guilty of no violation of law.   The
application of seniority for purposes of determining anything other than wage
rates to be paid by the City violates the terms and provisions of the
Collective Bargaining Agreement as protected by Act 111 of 1968, 43 P.S.
§217.1 et seq, and the Pennsylvania Labor Relations Act, 43 P. S.
§ 211.1 et seq.

(2) I believe that Females who passed The
Test and were put on The List but not
hired due To Limited number of open positions
Are Also being by-passed unfairly.